



**PRESS STATEMENT**  
**25 August 2021**

**CITY OF CAPE TOWN USES DISCRIMINATORY BY-LAWS TO  
CONFISCATE A STREET-BASED WOMXN'S ANTIRETROVIRAL  
DRUGS**

On 23 August 2021, the same day that law enforcement officers from the City of Cape Town [destroyed and confiscated the homes of 21 occupiers](#) living on vacant land next to the Green Point Tennis Club, the City also cracked down on a group of street-based persons living on the pavement along Hope Street in the City centre using a discriminatory by-law that is being [challenged in the courts](#) for infringing on the rights of people experiencing homelessness. In a senseless act of harassment, which was jointly executed by the City's law enforcement officers and employees of the Cape Town Central City Improvement District (CCID), officers confiscated occupiers' personal belongings and issued many with R300 fines for alleged contraventions of the City's [By-law relating to Streets, Public Places and the Prevention of Noise Nuisances](#) (2007).

For Jayselan Pillay, one of the womxn in the encampment who has been living with HIV for the past two years, the confiscation could have potential life or death consequences, as law enforcement officers confiscated her life-sustaining antiretroviral drugs (ARVs) along with her other possessions. Without them, she is afraid that her viral load will rise which will place her at increased risk of serious illness. Ms Pillay says this is the second time that the City's law enforcement officers have confiscated her ARVs.

This is also not the first time that the City has harassed the people living on Hope Street. On Thursday, 19 August, in the dark and rainy hours of the early morning, law enforcement officers corralled all of the men living on Hope Street into vans and took them to the Cape Town Central Police Station. The men were released shortly afterwards, without being arrested or criminally charged. On Sunday, 22 August, law enforcement officers also raided the community of street-based people, confiscating personal belongings and issuing fines.

Ms Pillay and some of the other people experiencing homelessness who live on Hope Street are involved in [court proceedings](#) against the City of Cape Town in terms of which the applicants are challenging the constitutionality and discriminatory impact of two of the City's municipal by-laws, namely the [By-law relating to Streets, Public Places and the Prevention of Noise Nuisances](#) and the [Integrated Waste Management By-law](#) (2009). The applicants are represented by Ndifuna Ukwazi Law Centre in that matter.

These by-laws [criminalise homelessness](#) by making it a crime for persons living on the street to conduct ordinary life-sustaining activities, like sleeping, camping, resting, bathing, erecting a shelter or keeping personal belongings in public. The by-laws also make it a crime to “beg”, lie down, sit or even stand in a public place. Everyday, the City’s law enforcement officers use these by-laws to threaten, harass, and, in some instances, forcefully displace homeless people, as well as confiscate what little possessions homeless people own. The City also uses these by-laws to [issue fines of up to R2 000](#) against people struggling with homelessness for unavoidable conduct.

Ndifuna Ukwazi strongly condemns the City’s law enforcement officers’ use of these by-laws to crack-down on people experiencing homelessness and unlawful occupiers in the midst of the peak of Cape Town’s Third Wave, when they are well-aware of this constitutional challenge and the devastating consequences of their actions.

Jonty Cogger, attorney at Ndifuna Ukwazi Law Centre, said: “The City of Cape Town is using these by-laws to harass, intimidate and threaten poor people who are challenging them in court. It’s absolutely horrendous that Ms Pillay’s ARVs have been taken by the City of Cape Town Law Enforcement. This brazen and cruel act has potentially life-threatening consequences for her. If there was ever an incident that called for a change in approach to people who live on the street this is it. We must all demand that the City of Cape Town stop this senseless harassment.”

### **#HousingNotHandcuffs**

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**ENDS**

**ISSUED BY NDIFUNA UKWAZI**